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8 *Attorneys for Plaintiffs*  
9 *California Department of Toxic Substances Control and the*  
*Toxic Substances Control Account*

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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14 **CALIFORNIA DEPARTMENT OF TOXIC**  
15 **SUBSTANCES CONTROL and the TOXIC**  
**SUBSTANCES CONTROL ACCOUNT,**

16 Plaintiffs,

17 v.

18 **CHEVRON ORONITE COMPANY LLC,**  
19 **et al.**

20 Defendants.  
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Case No. 2:21-cv-1737-DJC-JDP

**JOINT INITIAL STATUS REPORT**

Courtroom: 10 – 13th Floor  
Judge: Hon. Daniel J. Calabretta  
Trial Date: None Set  
Action Filed: September 24, 2021

1 Pursuant to paragraph 5 of this Court’s May 24, 2023 Order Extending Stay of Litigation  
2 for Settlement Negotiations (Dkt. No. 34) plaintiffs the California Department of Toxic  
3 Substances Control (“DTSC”) and the Toxic Substances Control Account (together, “Plaintiffs”)  
4 and defendants Chevron Oronite Company LLC, Atlantic Richfield Company, and Shell Oil  
5 Company n/k/a Shell U.S.A., Inc. (together, “Defendants”) submit this Joint Status Report:

6 The parties reported in their May 23, 2023 joint status report (Dkt. No. 33) that following  
7 extensive negotiations, counsel for Plaintiffs and common counsel for the IT Sites Cooperating  
8 Generators Joint Defense Group (“Joint Defense Group”), of which all Defendants are members,  
9 (i) reached agreement on the terms and language of a proposed consent decree that they are  
10 recommending to Plaintiffs and individual Joint Defense Group members’ counsel and their  
11 respective clients, (ii) completed their drafting of the terms of the proposed consent decree to  
12 settle and resolve this matter, and (iii) were working on obtaining final approvals of the proposed  
13 consent decree and the ancillary agreements.<sup>1</sup>

14 The parties also requested that the Court extend the stay of this litigation by ninety (90)  
15 days because the parties anticipated that they will be able to complete their respective internal  
16 approvals of the proposed consent decree, and that Plaintiffs will be able to lodge the proposed  
17 consent decree with the Court, within ninety (90) days. The Court granted that request and  
18 extended the stay by ninety (90) days to August 23, 2023. (Dkt. No. 34.)

19 The parties now report that they continue to anticipate that they will be able complete their  
20 respective approvals of the proposed consent decree and that Plaintiffs will be able to lodge the  
21 proposed consent decree with the Court before August 23, 2023.<sup>2</sup> The members of the Joint  
22 Defense Group and Plaintiffs continue to make significant progress internally and remain in  
23 consistent communication with each other regarding the proposed consent decree. Additionally,  
24 since the last status report, the Joint Defense Group has reported to Plaintiffs which defense group

25 <sup>1</sup> The ancillary agreements are agreements among the Defendants and other settling  
26 defendants. Certain settling defendants have established a subcommittee to review, revise and  
27 finalize the agreements in an effort to ensure the agreements are available for execution before the  
28 lodging of the proposed consent decree.

<sup>2</sup> Plaintiffs will file a motion for entry of the proposed consent decree after a 30-day  
public comment period.

1 members anticipate becoming settling defendants under the proposed consent decree for this  
2 matter,<sup>3</sup> which, along with additional information to be supplied from the Joint Defense Group,  
3 will allow Plaintiffs to prepare an amended complaint adding settling defendants that are not  
4 named in the current operative complaint. Plaintiffs anticipate that the amended complaint will be  
5 filed before the lodging of the proposed consent decree.

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7 [signatures on following page]  
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25 <sup>3</sup> The Joint Defense Group has also reported which members anticipate becoming settling  
26 defendants under the proposed consent decrees that will be lodged in the three other lawsuits,  
27 which are *Cal. Dep't. of Toxic Substances Control, et al. v. Pacific Gas & Electric Comp., et al.*,  
28 pending in the Northern District, Case No. 4:21-cv-07450-HSG ("Benson Ridge Landfill Case");  
*Cal. Dep't of Toxic Substances Control, et al. v. Chevron U.S.A. Inc., et al.*, pending in the  
Northern District, Case No. 3:21-cv-07453-WHA ("Vine Hill Landfill Case"); and *Cal. Dep't. of*  
*Toxic Substances Control, et al. v. Exxon Mobil Corp., et al.*, pending in this Court, Case No.  
2:21-cv-01739-DJC-JDP ("Panoche Landfill Case").

1 Dated: July 14, 2023

Respectfully submitted,

2 ROB BONTA  
3 Attorney General of California  
4 SARAH E. MORRISON  
Supervising Deputy Attorney General

5 */s/ Kate M. Hammond*

6 KATE M. HAMMOND  
7 Deputy Attorney General  
8 DONALD ROBINSON  
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*Attorneys for Plaintiffs Department of Toxic  
Substances Control and the Toxic Substances  
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10 Dated: July 14, 2023

ROGERS JOSEPH O'DONNELL

11 */s/ Robert C. Goodman*  
12 (as authorized on July 12, 2023)

13 Robert C. Goodman  
14 *Attorneys for Defendant Chevron Oronite  
Company LLC*

15 Dated: July 14, 2023

MILLER NASH LLP

16 */s/ Trajan Perez*  
17 (as authorized on July 12, 2023)

18 Trajan Perez  
19 *Attorneys for Defendant Atlantic Richfield  
Company*

20 Dated: July 14, 2023

WILSON TURNER KOSMO LLP

21 */s/ Robin A. Wofford*  
22 (as authorized on July 12, 2023)

23 Robin A. Wofford  
24 Hubert Kim  
25 *Attorneys for Defendant Shell Oil Company  
n/k/a Shell U.S.A., Inc.*